

Appendix K.

Letter from Supervisors Cesarz and Rice



COUNTY BOARD OF SUPERVISORS

Milwaukee County

May 11th, 2005

Dean Stan Stojkovic, Chairman
SVP Advisory Siting Committee
2400 East Hartford Avenue
Endres Hall, Rm. 1094
Milwaukee, WI 53211

Dear Chairman Stojkovic:

Thank you for your service to the citizens of the State of Wisconsin, and your service as Chair of the Sexually Violent Persons Transitional Facility Siting Committee. We understand the difficulty which your committee faced given the minimal resources the state provided, and understand the need for additional support staff and resources in your April 19th, 2005 letter.

As elected officials, the location and placement of a transitional facility for sexually violent persons is of great concern. On April 28th, 2005, the Milwaukee County Board of Supervisors passed a resolution (file no. 05-227), a copy of which is enclosed, identifying specific changes in the law and administrative procedures which need to take place regarding the placement of sexually violent persons within the State of Wisconsin. We hope that these recommendations will be considered and integrated into future revisions of Chapter 980.

We believe that we can be of most assistance as a conduit for communication to our constituents regarding your committee's activities, and encourage you to be sensitive to the public's strong interest in this subject. We encourage you to seek assistance for additional staffing and outreach from your appointing authority. As the Siting Committee was created under 2003 Wisconsin Act 187, requests for clarity and assistance are best directed to the Department of Health and Family Services, and the Office of the Governor. Please keep us informed of your committee's deliberations.

Sincerely,

A handwritten signature in cursive script, reading "Paul M. Cesarz".

Supervisor Paul Cesarz – 9th District

A handwritten signature in cursive script, reading "Joseph A. Rice".

Supervisor Joseph A. Rice – 6th District

APR 28 2005

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Adopted

14-5

By Supervisors Rice, Borkowski, Cesarz, Weishan, Schmitt and Brodenick & *Devine*

APR 28 2005

A RESOLUTION

requesting the State to modify Chapter 980 of the State Statutes regarding Sexually Violent Person Commitments and placing requirements on the sale of county land for the siting of a transitional living facility for sexual offenders

FILE NO. 05-227

WHEREAS, Wisconsin State Statute Chapter 980, which relates to sexually violent person commitments, defines a sexually violent person as "a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness, and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in acts of sexual violence"; and

WHEREAS, Chapter 980, also known as the sexual predator law, allows for civil commitment of certain sex offenders after they have completed their prison sentences to help ease their transition back into communities; and

WHEREAS, the State Supreme Court has ruled that Chapter 980 civil commitments of certain sex offenders must include the potential for release after they complete their prison sentences, which has resulted in efforts to find a location for the placement of a transitional living facility in Milwaukee County; and

WHEREAS, 2003 Wisconsin Act 187, among other things, created a committee known as the Sexually Violent Persons Transitional Facility Siting Advisory Committee ("Committee") to make recommendations regarding the location of a transitional facility for the housing of persons committed to the custody of the State Department of Health and Family Services under Chapter 980; and

WHEREAS, the legislation directed that the Committee shall consider all of the following factors when determining the criteria for the location of the facility or when determining specific locations for the facility:

1. Community safety
2. Proximity to sensitive locations
3. Ability to make the facility secure
4. Accessibility to treatment for the persons living in the facility
5. Payments that may be made in lieu of property taxes
6. Availability of tax incentives to a community to locate the facility within its jurisdiction
7. Proximity of the placement to all of the following:
 - a) The residence of other persons on supervised release

- b) The residence of persons who are in custody of the department of corrections and regarding whom a sex offender notification bulletin has been issued to law enforcement agencies
- c) Any facility for children of which the committee is aware
- d) Any residential subdivision

WHEREAS, the Committee developed a list of possible locations in Milwaukee County for the placement of the facility for sex offenders, which at one time included two parcels of land owned by Milwaukee County, including 9201 S. 68th Street in Franklin and 10401 West County Line Road in Milwaukee; and

WHEREAS, the Committee appropriately removed the County-owned and other sites from consideration after listening to the concerns of hundreds of residents who testified that the sites were not appropriate for locating a facility for sex offenders; and

WHEREAS, given the challenging task confronting the Committee, additional resources may be needed to find a suitable location and to effectively collaborate with the community; and

WHEREAS, as of 2002, twenty-seven states used global positioning satellite (GPS) technology to track over 1,200 sexual offenders allowing law enforcement personnel to pinpoint their location and helping to prevent recidivism; and

WHEREAS, the Milwaukee County Board of Supervisors previously approved File No. 03-557, (adopted 10/30/03, Vote 23-0) a resolution asking state policymakers, among other things, to modify Chapter 980 legislation to better define the criteria for the release and location of a transitional living facility for sexual offenders; now, therefore,

BE IT RESOLVED, that Milwaukee County will not consider the sale of county-owned land for the purpose of siting a transitional facility for the housing of sexual offenders unless the proposed location meets the criteria outlined in state law; the conditions of this resolution, and conforms to all County Board policies and procedures; and

BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors reaffirms its support for Resolution 03-557, which, among other things, urged state officials to:

1. support legislation to modify Chapter 980 so that more strict, clearly defined, and uniform standards are applied to the determination of eligibility for release of a Chapter 980 patient, with those new standards being applied narrowly and only to cases with documented evidence of extensive, successful treatment

- 87 2. make administrative rule and state statutory changes to mandate the
88 Department of Health and Family Services (DHFS) to provide public
89 notification to the surrounding community prior to a judge's order for
90 release of a sexually violent person
91

92 ; and
93

94 BE IT FURTHER RESOLVED, that the County Board of Supervisors urges the
95 Governor and the State Legislature to adopt administrative rule and statutory changes
96 within or related to Chapter 980 to:

- 97 • provide the Sexually Violent Persons Transitional Facility Siting Advisory
98 Committee the necessary resources to carry out its mission, and
99 effectively communicate its activities to the general public, local
100 government officials and other interested parties
101 • remove the requirement of returning offenders to their county of original
102 residence and provide sufficient state funding to ensure counties will not
103 be responsible for any related costs, including supervision and treatment
104 • allow for the placement of sexually violent persons into the most
105 appropriate location statewide, taking into account the criteria for the
106 location of the facility outlined in 2003 Wisconsin Act 187 and, as an
107 additional criterion, include the population density of the surrounding
108 community or region
109 • allow counties to periodically review treatment and release plans for
110 compliance with state statutes, report findings to the Governor, State
111 Legislature, and the Department of Health and Family Services
112

113 ; and
114

115 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
116 supports the use of the most advanced technology available for the purpose of protecting,
117 treating, deterring, and tracking sexually violent persons and Chapter 980 releases during
118 and after their transition into the community; and
119

120 BE IT FURTHER RESOLVED, that the Director of Intergovernmental Relations is
121 hereby authorized and directed to convey the position established by this resolution to the
122 Governor and members of the Wisconsin Legislature.
123

124 StephenCady\Resolutions\rice sexually violent persons chapter 980C.doc
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